

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 24, 2002

DIVISION ONE

B149147 Los Angeles County D.C.F.S. (Not for Publication)
 v.
 Frank W.

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B148640 People (Not for Publication)
 v.
 Shepard

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B149051 People (Not for Publication)
 v.
 Avila

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

January 24, 2002-Continued

DIVISION ONE (Continued)

B149114 People (Not for Publication)
v.
Fernandini

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B147252 People (Not for Publication)
v.
Sanchez

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B150136 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Ronnie M.
In re Sabrina M.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B151096	People v. Heidi H.
B154159	Heidi H. on Habeas Corpus
B145540	People v. Galvan
B147360	People v. Wittine
B144373	People v. Martinez and Martinez
B150426	People v. Rodriguez
B147413	People v. Salinas
B145860	People v. Bailey
B146299	People v. Beltran
B146893	People v. Fluker
B147427	People v. Tiberia
B149430	People v. Johnny F.
B148649	People v. Kapre B.
B144790	People v. Ibarra
B148429	In re Chandra G.
B154132	Delia P. v. S.C.L.A.
B154421	Timothy S. v. S.C.L.A.

Argument waived, cause submitted.

B147383 People
 v.
 Pierce

Merits:

Argued by Shakti Murthy for appellant and by Michael Whitaker for respondent. Cause submitted.

DIVISION TWO (Continued)

B143118 Stopol
v.
PSS World Medical

Merits:
Argued by Douglas Benedon for appellant and by Terry L. Kesinger for respondent. Cause submitted.

B150034 People
v.
Kenneth M.

Merits:
Argued by Edward J. Haggerty for appellant and by Timothy Weiner for respondent. Cause submitted.

B149426 People
v.
Tafoya

Merits:
Argued by Leonard J. Klaif for appellant and by Laura Bak-Boyчук for respondent. Cause submitted.

B148548 People
v.
Barger

Merits:
Argued by Jonathan P. Milberg for appellant and by Adrain Tigmo for respondent. Cause submitted.

DIVISION TWO (Continued)

B147995 People
 v.
 Arroyas

Merits:
Argued by Christine C. Shaver for appellant and by Thomas C. Hsieh for respondent. Cause submitted.

B147314 Vers
 v.
 Salazar

Merits:
Argued by Nathan J. Friedman for appellant and by David L. Brandon for respondent. Cause submitted.

B144327 Pickrell
 v.
 Pacific

Merits:
Argued by Charles Mitchell for appellant and by Margot A. Metzner for respondent. Cause submitted.

B145811 Jelco Construction
 v.
 Van Schooneberg

Merits:
Argued by Edwin C. Schreiber for appellant and by Christopher Tayback for respondent. Cause submitted.

DIVISION TWO (Continued)

B147092 Gonchar
 v.
 Samsung Deutschland

Merits:
Argued by Robert Dawson for appellant and by Glenn D. Dasso for
respondent. Cause submitted.

B146845 Churchfield
 v.
 Wilson

Merits:
Argued by Richard I. Fine for appellant and by Susan R. Oie for
respondent. Cause submitted.

B147721 De Flores
 v.
 EHG National Health Services

Merits:
Argued by Richard I. Fine for appellant and by Robert Fisher and Diane
Goldman for respondents. Cause submitted.

Court in recess

Court reconvened at 1:15 PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J., Cooper, J. (Assigned) and
Jim Guzman, Deputy Clerk.

B150134 Martino
 v.
 George Elkins Co.

Merits:
Argued by Steven K. Kop for appellant and by Lawrence Abelvon for
respondent. Cause submitted.

DIVISION TWO (Continued)

B145469 People
 v.
 Lewis

Merits:
Argued by Carlo Andreani for appellant and by Ronald A. Jakob for respondent. Cause submitted.

B154420 Rhonda H.
 v.
 D.C.F.S.

Merits:
Argued by David Valdez for petitioner and by Sterling Honea for real party in interest. Cause submitted.

B150211 Nyko Inc.
 v.
 Yen

Merits:
Argued by Stephen Krumm for appellant and by Jon Rewinski for respondent. Cause submitted.

B149139 Blaisdell
 v.
 Whittier City School District

Merits:
Argued by Bonnie Sue Shirley for respondent and by Eric Bathen for appellant. Cause submitted.

DIVISION TWO (Continued)

B149106 Murrey International Bowling
 v.
 Loctite Corporation

Merits:
Argued by Ronald Kaplan for appellant. Respondent waived oral argument. Cause submitted.

B145989 People
 v.
 Flores and Avila

Merits:
Argued by Lynda Romero and Thomas Ono for appellants and by Jeffrey Kahan for respondent. Cause submitted.

B151184 Paramount Contractors
 v.
 Underwriters at Lloyds of London

Merits:
Argued by Keith Robinson for appellant and by John Levitt for respondents. Cause submitted.

B134911 Bunnett
 v.
 Oh & Keife

Merits:
Argued by John Bunnett for appellants and by Rita Gunasekaran for respondents. Cause submitted.

DIVISION TWO (Continued)

B150641 Silva
 v.
 Garcetti

Merits:
Argued by Richard Fine for appellant and by Lane Brown for respondents.
Cause submitted.

B147668 Suggs
 v.
 Veridian-Trident

Merits:
Argued by James Autrey for appellant and by Edward Gregory for
respondent. Cause submitted.

Court adjourned.

B151669 Washington Mutual Bank, FA (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Steve Guilford, et al., r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to set aside its order overruling petitioner's demurrers, and to issue a new and different order sustaining without leave to amend petitioner's demurrers to those causes of action asserting a violation of Section 2948.5, and to sustain with leave to amend those causes of action asserting violations of the UCA, and the Consumer Legal Remedies Act. The temporary stay is vacated, and the order to show cause is dismissed. Petitioner to recover the costs of this petition.

Boren, P.J.

We concur: Nott, J.
 Cooper, J. (Assigned)

DIVISION THREE

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B144130 People (Not for Publication)
v.
Bennett

The judgment is modified to reflect the award of presentence custody credits of 82 days. In all other respects, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment and to forward a certified copy of it to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B147666 People (Not for Publication)
v.
Fleming

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B148157 People (Not for Publication)
v.
Miller

The judgment is modified by reducing appellant's Penal Code section 2900.5, subdivision (a), custody credit award by 19 days, and his Penal Code section 4019 conduct credit award by 2 days; as modified, the judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

[illegible]

The order continuing wardship is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B143714 Delilah Hargrave et al. (Not for Publication)
v.
Juan Mejia, et al.

The judgment is affirmed. Choate shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B146972 Phylis Weatherspoon et al. (Not for Publication)
 v.
 H. Stanley Jones et al.

The judgment is affirmed. Costs on appeal to United.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B150554 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Elmer M.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B144461 Hector Gutierrez (Not for Publication)
 v.
 Civil Service Commission on the County of Los Angeles
 County of Los Angeles, et al.

The judgment of the trial court is reversed and the matter is remanded to the trial court with directions that it enter a new and different judgment remitting the matter back to the commission with directions for it to reconsider the penalty issue and impose a penalty less than discharge. Gutierrez shall recover his costs on this appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B148926 McKinstry (Not for Publication)
v.
State of California Youth and Adult Correctional Agency

The judgment (order denying the petition) is affirmed. Appellant is to bear his own costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B151109 People (Not for Publication)
v.
Michelle Torry

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

January 24, 2002-Continued

DIVISION SIX (Continued)

B145387 People (Certified for Publication)
v.
Cervantes

The sentence is modified from 50 years to life to 55 years to life. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SEVEN

B148229 People (Not for Publication)
v.
Yabhacky Baviscky

The judgment is reversed.

Lillie, P.J.

We concur: Johnson, J.
Boland, J. (Assigned)

B145490 Hsien I. Peng et al. (Not for Publication)
v.
City of Bellflower

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

January 24, 2002-Continued

DIVISION SIX (Continued)

B145546 People (Not for Publication)
v.
Howard R. Belden

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B145299 People (Not for Publication)
v.
Charles R. Smith

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B142620 People (Not for Publication)
v.
Juan Carlos Valiente et al.

The judgments of conviction are affirmed but those for count 4 are reduced to misdemeanors and the matters are remanded to the trial court for resentencing.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

DIVISION SIX (Continued)

B133419 City of Temple City (Not for Publication)
v.
Isaac Gabriel et al.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.